

Application No. 10/694,540
September 21, 2006
Reply to the Office Action dated May 23, 2006
Page 6 of 11

REMARKS/ARGUMENTS

Claims 1-10 are pending in this application. By this Amendment, Applicants amend Claims 1 and 7-9, and cancel Claims 11 and 12.

Applicants have canceled non-elected Claims 11 and 12. Applicants reserve the right to file a Divisional Application to pursue prosecution of Claims 11 and 12.

Applicants appreciate the Examiner's indication that Claim 10 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Claims 8 and 9 were objected to for containing minor informalities. Applicants have amended Claims 8 and 9 to correct the minor informalities noted by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lucchesi (U.S. 2,715,906) in view of Cheng (U.S. 6,036,394). Applicants respectfully traverse the rejection of Claims 1-9.

Claim 1 has been amended to recite:

A binder comprising:

binding rings each including first and second binding ring halves having latching portions provided at ends thereof which engage one another in a closed state;

a holding member having a length that allows said binding rings to be arranged with a spacing therebetween; and

an operating member on a surface of which said first and second binding ring halves are anchored at bases thereof with spacing therebetween, and which is movably fixed to an inner side of said holding member such that the first and second binding ring halves are fixed to the holding member;

the operating member including a pair of operating pieces moving within the holding member in a longitudinal direction of the holding member, and a pivot portion arranged along abutting edges of said pair of operating pieces;

one of the bases of each of the first and second binding ring halves being fixed to one of said operating pieces and the other of the bases being fixed to the other operating piece;

the holding member includes a bound article mounting portion and holding walls arranged longitudinally at edges of the bound article mounting portion, and the operating member and an opening/closing member are accommodated in a space defined by the holding walls and the bound article mounting portion;

the holding member includes through holes arranged so that each of the first and second binder ring halves loosely passes through a respective one of the through holes;

the opening/closing member is arranged within the space of the holding member so as to bias the pair of operating pieces in opposite directions along a length of the holding member, and so as to hold the pair of operating pieces in an inverse V shape arrangement such that the abutting edges of each of the pair of operating pieces are disposed in close proximity to an inner surface of the bound article mounting portion of the holding member;

when the latching portions of the first and second binding ring halves are engaged with each other, the pair of operating pieces are arranged so as to be spaced further from the inner surface of the bound article mounting portion than when the pair of operating pieces are held in the inverse V shape arrangement; and

when the latching portions of the first and second binding ring halves are disengaged by fingers of a user, the opening/closing member exerts a restoring force on the pair of operating pieces such the operating pieces are biased in the opposite directions and the first and second binding ring halves are separated from each other.

(emphasis added)

Support for the amendments to Claim 1 is found, for example, on line 4 of page 22 to line 2 of page 28 of the originally filed specification.

With the unique combination and arrangement of features recited in Applicants' Claim 1, including the features of "the holding member includes a bound article mounting portion and holding walls arranged longitudinally at edges of the bound article mounting portion, and the operating member and an opening/closing member are accommodated in a space defined by the holding walls and the bound article mounting portion," "the holding member includes through holes arranged so that each of the first

Application No. 10/694,540
September 21, 2006
Reply to the Office Action dated May 23, 2006
Page 8 of 11

and second binder ring halves loosely passes through a respective one of the through holes,” “the opening/closing member is arranged within the space of the holding member so as to bias the pair of operating pieces in opposite directions along a length of the holding member, and so as to hold the pair of operating pieces in an inverse V shape arrangement such that the abutting edges of each of the pair of operating pieces are disposed in close proximity to an inner surface of the bound article mounting portion of the holding member,” “when the latching portions of the first and second binding ring halves are engaged with each other, the pair of operating pieces are arranged so as to be spaced further from the inner surface of the bound article mounting portion than when the pair of operating pieces are held in the inverse V shape arrangement,” and “when the latching portions of the first and second binding ring halves are disengaged by fingers of a user, the opening/closing member exerts a restoring force on the pair of operating pieces such the operating pieces are biased in the opposite directions and the first and second binding ring halves are separated from each other,” Applicants have been able to provide a binder in which the binding rings can be opened and closed easily, securely, and smoothly (see, for example, lines 14-18 on page 2 of the originally filed specification).

The Examiner alleged that the combination of Lucchesi and Cheng teaches all of the features recited in Applicants’ Claim 1.

Applicants’ Claim 1 has been amended to recite the features of “the holding member includes a bound article mounting portion and holding walls arranged longitudinally at edges of the bound article mounting portion, and the operating member and an opening/closing member are accommodated in a space defined by the holding walls and the bound article mounting portion,” “the holding member includes through holes arranged so that each of the first and second binder ring halves loosely passes through a respective one of the through holes,” “the opening/closing member is arranged within the space of the holding member so as to bias the pair of operating pieces in opposite directions along a length of the holding member, and so as to hold

Application No. 10/694,540

September 21, 2006

Reply to the Office Action dated May 23, 2006

Page 9 of 11

the pair of operating pieces in an inverse V shape arrangement such that the abutting edges of each of the pair of operating pieces are disposed in close proximity to an inner surface of the bound article mounting portion of the holding member,” “when the latching portions of the first and second binding ring halves are engaged with each other, the pair of operating pieces are arranged so as to be spaced further from the inner surface of the bound article mounting portion than when the pair of operating pieces are held in the inverse V shape arrangement,” and “when the latching portions of the first and second binding ring halves are disengaged by fingers of a user, the opening/closing member exerts a restoring force on the pair of operating pieces such the operating pieces are biased in the opposite directions and the first and second binding ring halves are separated from each other.”

Neither Lucchesi nor Cheng teaches or suggests a holding member including a bound article mounting portion in which operating pieces are accommodated or holes through which binding ring halves loosely pass. In contrast, Lucchesi teaches binding ring halves 4b and 5b that are fixed to operating members 4a and 5a, and the operating members 4a and 5a are exposed and are not accommodated in any other structure (see Figs. 1 and 2 of Lucchesi). Similarly, Cheng teaches binding ring halves 18a-c and 19a-c that are fixed to operating members 11 and 12, and the operating members 11 and 12 are exposed and are not accommodated in any other structure (see Figs. 1 and 2 of Cheng). Thus, Lucchesi and Cheng certainly fail to teach or suggest the features of “the holding member includes a bound article mounting portion and holding walls arranged longitudinally at edges of the bound article mounting portion, and the operating member and an opening/closing member are accommodated in a space defined by the holding walls and the bound article mounting portion” and “the holding member includes through holes arranged so that each of the first and second binder ring halves loosely passes through a respective one of the through holes“ as recited in Applicants’ Claim 1.

Application No. 10/694,540
September 21, 2006
Reply to the Office Action dated May 23, 2006
Page 10 of 11

In addition, as seen in Figs. 1 and 2 of Lucchesi, the operating members 4a and 5a are vertically disposed when the binding ring halves 4b and 5b are engaged with each other, and are disposed in an upward V shaped arrangement when the binder ring halves 4b and 5b are separated. As seen in Fig. 7 of Cheng, the operating members 11 and 12 are disposed in an inverse V shaped arrangement when the binder ring halves 18a-c and 19a-c are engaged with each other. Thus, Lucchesi and Cheng certainly fail to teach or suggest the features of “when the latching portions of the first and second binding ring halves are engaged with each other, the pair of operating pieces are arranged so as to be spaced further from the inner surface of the bound article mounting portion than when the pair of operating pieces are held in the inverse V shape arrangement,” and “when the latching portions of the first and second binding ring halves are disengaged by fingers of a user, the opening/closing member exerts a restoring force on the pair of operating pieces such the operating pieces are biased in the opposite directions and the first and second binding ring halves are separated from each other” as recited in Applicants’ Claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Lucchesi in view of Cheng.

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claim 1 is allowable. Claims 2-10 depend upon Claim 1, and are therefore allowable for at least the reasons that Claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a One-Month Extension of Time, extending to September 25, 2006 (September 23, 2006 falls on a Saturday), the period for response to the Office Action dated May 23, 2006.

Application No. 10/694,540
September 21, 2006
Reply to the Office Action dated May 23, 2006
Page 11 of 11

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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